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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,618	02/23/2004	Nigel Hugh Sanders	360.7169USV	8388

7590

08/23/2005

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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,618

Applicant(s)

SANDERS ET AL.

Examiner

Laura Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 17-25 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19, 20 and 22-24 is/are allowed.
- 6) ☒ Claim(s) 13, 17, 18, 21, 25 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

The disclosure is objected to because of the following informality: element 14d pertains that pertains to the additional wall as illustrated in Fig. 2 is missing from the specification. It is suggested that --14d-- be added to page 9, end of third paragraph.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 33-35 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a trough having an additional wall within the trough as set forth on page 9, third paragraph, does not reasonably provide enablement for the coating apparatus to merely include "a wall along which a coating of solidifiable edible coating material flows" as recited in line 2 of claim 33. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims. In reciting that the coating apparatus includes a wall along which the coating material flows for application to the article broadens the scope of the invention as originally filed because the apparatus would then be opened such that no receptacle or trough would be required. Applicants clearly disclosed the claimed invention as being in an enclosed environment or trough as evidenced by all the illustrations.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 18, 21, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Naka et al (US 5,902,648) for reasons set forth in the previous office action.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al (US 1,984,009) in view of Baker et al (US 1,737,447) for reasons set forth in the previous office action.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al (US 1,984,009) in view of Peterson et al (US 3,228,412).

Baker et al teach an apparatus for controlling a curtain of a solidifiable liquid composition comprising supply means or curtain coater (1b) arranged to provide a curtain of solidifiable liquid coating material, said supply means having a surface along which the solidifiable liquid coating material flows; and air jet nozzle means (9a) attached to the outlet of the curtain coater arranged to modify the characteristics of the curtain. Baker et al are silent concerning the air jet nozzle means being attached to the surface upon which the liquid coating

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flows. However, it was known in the food dispensing art, at the time the invention was made to integrate and thereby attach air jet nozzle means (50) to the inner surface of the outlet of a dispenser in order to prevent food product build-up within the dispenser as well as enable cleaning of the outlet of the dispenser as evidenced by Peterson et al (col. 1, lines 36-38 and col. 3, lines 17-43). In light of Peterson, it would have been obvious to one of ordinary skill in the art to integrate air jet nozzle means within the inner surface of the outlet of the Baker et al curtain coater in order to prevent the solidifiable coating liquid from building up inside the outlet area of the curtain coater as well as enable cleaning of the outlet area of the curtain coater.

Claims 33-35 are rejected under 35 U.S.C. 103 as being unpatentable over Naka et al (US 5,902,648).

Naka et al teach a liquid coating application apparatus for applying a coating to articles (col. 1, lines 1-10) comprising a nozzle (4c) having an inner wall (not numbered) along which a liquid coating material is supplied to an outlet slot (area of 20c) positioned downstream of the wall, the outlet slot defining a curtain of the coating under the action of gravity; a device (3, 5) for effecting relative movement between article and the curtain so that the article is coated by the liquid coating; and a gas stream (40c, 42c) defined between the wall and the coating so that flow characteristics of the curtain are modified. Even though Naka et al do not explicitly teach the apparatus for use in coating food with a solidifiable edible coating material, it would have been obvious to one of ordinary skill in the art to use the Naka et al apparatus in any liquid coating environment including one with food as the apparatus as disclosed is not limited to the LCD or electronic manufacturing environment as evidenced by col. 1, lines 10-11. Furthermore, the

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apparatus as claimed does not require a source or supply of solidifiable edible coating material such said edible material has been read as the material intended to be used with the apparatus and therefore, said edible material has been given no patentable weight.

With respect to claim 35, the gas stream is controlled by means not shown as evidenced by col. 4, lines 55-63 and col. 5, lines 14-27.

Allowable Subject Matter

Claims 19, 20, and 22-24 would be allowable.

Response to Arguments

Applicants' arguments filed 3/7/05 have been fully considered but they are not persuasive.

Applicants contend that Naka does not apply to the invention of claim 18 because the claim requires an apparatus having an outlet slot downstream of the supply means through which coating liquid flows under the action of gravity. This argument is not deemed persuasive because the apparatus of Naka et al as shown in Fig. 13, is vertically arranged such that gravity affects the flow of fluid out of the apparatus. Applicants' present claim language does not exclude the use of a pump or pressurized system but merely the ability of the liquid to be drawn out of the apparatus via gravity.

Applicants contend that neither of the Baker patents teach limitations of claim 13 in that neither teach or suggest an action of the gas stream on the surface of the supply means to modify the flow characteristics of the curtain. This argument is no deemed persuasive because the '009

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Baker et al patent provides an arrangement capable of providing a gas stream directly on the plate surface (8) of the curtain coater as such would affect the flow of the coating material.

Baker et al '009 show in Fig. 3 the system without the coating material therein. It is within the purview of one skilled in the art to manipulate the apparatus such that cooling air is applied to the plate surface (8) to enable the flow of the coating material to be modified prior to coating of a conveyed article.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Laura Edwards
Primary Examiner
Art Unit 1734

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August 20, 2005